

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GERRARD J. BLAKE,

Plaintiff,

-v-

9:09-CV-00266

EDWIN H. ELFELDT, Coordinator for Sex
Offender Counseling and Treatment Program
for New York State Department of Correctional
Services; L. WEINGARTNER, Deputy
Superintendent for Programs at Five Points
Correctional Facility; KATHLEEN ALTMAN,
Correctional Counselor at Five Points
Correctional Facility; and TOUSIGNANT,
Parole Officer at Upstate Correctional Facility,

Defendants.

APPEARANCES:

REISMAN, RUBEO & McCLURE, LLP
Attorneys for Plaintiff
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Hawthorne, NY 10532

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

MARK IRWIN REISMAN, ESQ.
CHRISTOPHER W. McCLURE, ESQ.

JAMES J. SEAMAN, ESQ.
Ass't Attorney General

DECISION and ORDER

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On October 11, 2012, the Honorable Christian F. Hummel, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion for summary judgment be granted and plaintiff's claims be dismissed. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review, the Report-Recommendation is accepted. See 28 U.S.C. § 636(b)(1). Even if the plaintiff's objections are correct, the defendants are still entitled to summary judgment dismissing the complaint.

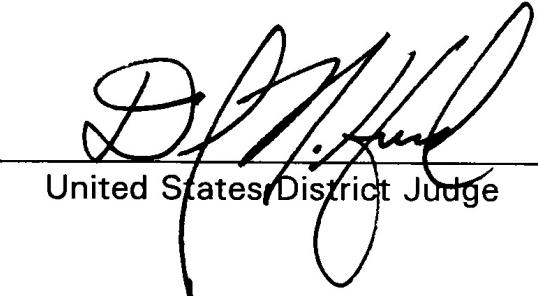
Therefore it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED; and
2. The complaint is DISMISSED.

The Clerk is directed to file a judgment accordingly and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: November 15, 2012
Utica, New York.